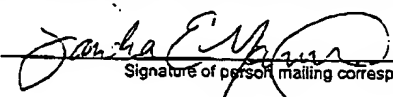
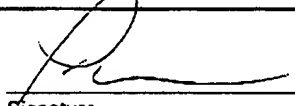


56 3/31/99 #27 4/5/99 T. Gray

| Certificate of Mailing | |
|---|--|
| Date of Deposit <u>March 30, 1999</u> | Label Number: <u>EJ375620108US</u> |
| I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX CPA, Assistant Commissioner for Patents, Washington, D.C. 20231. | |
| <u>Sandra E. Marxen</u> Printed name of person mailing correspondence |  Signature of person mailing correspondence |

| CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(d) | |
|---|--|
| Attorney Docket Number | 06727/006001 |
| Applicant | Robert A. Murgita |
| Title | RECOMBINANT HUMAN ALPHA-FETOPROTEIN AS A CELL PROLIFERATIVE AGENT |
| PRIORITY INFORMATION: | |
| This is a request for a continuation application under 37 CFR §1.53(d) (continued prosecution application (CPA)) of prior United States patent application 08/879,469, filed June 20, 1997. | |
| FILING QUALIFICATIONS: | |
| The prior application is a nonprovisional application that is either 1) complete as defined by 37 CFR 1.51(b); or 2) the national stage application of an international application in compliance with 35 USC 371. | |
| EXPRESS ABANDONMENT: | |
| This request for a CPA expressly abandons the prior application as of the filing date of this request. | |
| ACCESS TO PRIOR APPLICATION: | |
| This request for a CPA is construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. | |
| 35 USC 120 STATEMENT: | |
| This request for a CPA is the specific reference required by 35 USC 120 to the prior application. | |
| PAPERS ENCLOSED: | |
| <input type="checkbox"/> | 1. Please enter the unentered amendment previously filed on ["DATE"] under 37 CFR §1.116 in the prior application. |
| <input type="checkbox"/> | 2. Please enter the enclosed preliminary amendment of [""] pages. |
| <input type="checkbox"/> | 3. This application is filed by fewer than all of the inventors named in the prior application, 37 CFR 1.53(d)(4). Please delete the following inventors: ["NAMES OF DELETED INVENTORS"] |
| <input type="checkbox"/> | 4. Enclosed is a new power of attorney of [""] pages. |

| | |
|--|---|
| | 5. Enclosed is an IDS of [**] pages; a form PTO 1449 of [**] pages; and [**] cited references. |
| | 6a. Enclosed is a small entity statement newly signed for this application. |
| X | 6b. A small entity statement was filed in the prior application. Such status is proper and desired. |
| | 6c. Small entity status is not applicable or is no longer claimed. |
| X | 7. No filing fee is being paid at this time. |
| | 8. Enclosed is a check for [**AMOUNT**] to cover the total fees calculated below. |
| FILING FEES: | |
| Basic Filing Fee: \$760/\$380 | \$**** |
| Excess Claims Fee: [**TOTAL**] - 20 x \$18/\$9 | \$**** |
| Excess Independent Claims Fee: [**TOTAL**] - 3 x \$78/\$39 | \$**** |
| Multiple Dependent Claims Fee: \$260/\$130 | \$**** |
| Total Fees: | \$**** |
| CORRESPONDENCE ADDRESS: | |
| Paul T. Clark Reg. No. 30,162 Clark & Elbing LLP 176 Federal Street Boston, MA 02110 | |
| Telephone: 617-428-0200 Facsimile: 617-428-7045 | |
|  Signature | |
| March 30, 1999 Date | |

Applicant or Patentee: Robert A. Murgita
Serial or Patent No.: 08/377,316
Filed or Issued: January 24, 1995
For: RECOMBINANT HUMAN ALPHA-FETOPROTEIN A CELL PROLIFERATIVE AGENT

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

56 3/31/99

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: McGill University
Address of Organization: Montreal, Canada
Type of Organization: Nonprofit Organization

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE:)
(CITATION OF STATUTE:)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF
LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF
AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE:)
(CITATION OF STATUTE:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled RECOMBINANT HUMAN ALPHA-FETOPROTEIN A CELL PROLIFERATIVE AGENT by inventor(s) Robert A. Murgita described in

- ☐ the specification filed herewith.
☒ application serial no. 08/377,316, filed January 24, 1995.
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Atlantic Biopharmaceuticals, Inc.

Address: 126 Mt. Auburn Street, Suite 200 North, Cambridge, MA 02138

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Full Name: Martinez R&D Inc.

Address: 950 Sherbrooke Street West, Suite 370, West Tower, Montreal, Quebec, H3A 1B9

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: ☒ R. David BOURKE

Title: ☒ Secretary-General

Address: McGill University, Montreal, Canada 845 Sherbrooke St. W. Montréal Québec H3A 2T5

Signature: ☒ R. David Bourke

Date: ☒ 14 June 95

110341.811

"NEW US APPLICATION"

PATENT

ATTORNEY DOCKET NUMBER: 06727/006001

The U.S. PTO date stamp sets forth the date of receipt and serial number of new U.S. patent application:

Applicant: Robert A. Murgita

Title: RECOMBINANT HUMAN ALPHA-FETOPROTEIN AS A CELL
PROLIFERATIVE AGENT

| | | | | |
|---|--------------|--|---------------|-----------------------|
| <input type="checkbox"/> Transmittal | Pages: _____ | <input type="checkbox"/> Assignment & Cover Sheet | Pages: _____ | |
| <input type="checkbox"/> Cover Sheet | Pages: _____ | <input checked="" type="checkbox"/> Small Entity Statement | Pages: 1 | copy from prior appl. |
| <input type="checkbox"/> Specification | Pages: _____ | <input type="checkbox"/> Preliminary Amendment | Pages: _____ | |
| <input type="checkbox"/> Claims | Pages: _____ | <input type="checkbox"/> IDS | Pages: _____ | |
| <input type="checkbox"/> Abstract | Pages: _____ | <input type="checkbox"/> Cited References | Number: _____ | |
| <input type="checkbox"/> Drawings | Pages: _____ | <input type="checkbox"/> PTO Form 1449 | Pages: _____ | |
| <input type="checkbox"/> Declaration/POA | Pages: _____ | <input checked="" type="checkbox"/> Other CPA Transmittal | Pages: 2 | |
| <input type="checkbox"/> Check | \$: _____ | <input checked="" type="checkbox"/> Other copy of | Pages: 1 | |
| Petition for Extension of Time | | | | |
| Atty/Secy: PTC Client/Matter Name: Immtek/Bone Marrow | | | | |
| EXPRESS MAIL LABEL: EJ375620108US DEPOSIT DATE: 3/30/99 | | | | |